

Message Text

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FM AMCONSUL MAZATLAN

TO SECSTATE WASHDC IMMEDIATE 0349

INFO AMEMBASSY MEXICO

AMCONSUL CIUDAD JUAREZ

AMCONSUL GUADALAJARA

AMCONSUL HERMOSILLO

AMCONSUL MATAMOROS

AMCONSUL MERIDA

AMCONSUL MONTERREY

AMCONSUL NUEVO LAREDO

AMCONSUL TIJUANA

UNCLAS MAZATLAN 0075

E. O. 11652 N/A

TAGS: CASC, MX

SUBJECT: OFFICIAL REPRESENTATIONS TO MEXICAN AUTHORITIES IN
CASES OF MALTREATMENT OF AMERICAN PRISONERS

REF: STATE 080101

(1). PROTECTION PROCEDURES AS OUTLINED IN REFTEL ARE IN THE
MAIN BEING FOLLOWED BY AMERICAN CONSULATE MAZATLAN, EXCEPT AS
INDICATED IN FOLLOWING PARAGRAPHS, NUMBERED IN ACCORDANCE WITH
REFTEL. SOME PREDICTABLE RECORD-KEEPING SHORTCUTS HAVE BEEN
FORCED BY THE EXIGENCIES OF BEING A TWO-OFFICER POST DESPITE
HAVING THE THIRD-LARGEST JAIL POPULATION IN MEXICO. INCREASES
IN MANPOWER HAVE BEEN SOUGHT AND WILL BE SOUGHT AGAIN IN AN
ATTEMPT TO MORE FULLY DEAL WITH ALL ASPECTS OF THE SITUATION.

(1).(C). FAILURE OF MEXICAN AUTHORITIES TO NOTIFY OF ARRESTS:
THE CONSULATE HAS BEEN SUCCESSFUL IN GETTING THE COOPERATION
OF THE LOCAL MAZATLAN POLICE IN REPORTING A LARGER PERCENTAGE
OF ARRESTS OR DETENTIONS, ESPECIALLY WHERE SMALL QUANTITIES

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OF DRUGS ARE FOUND WHICH ARE MOST PROBABLY FOR THE PERSONAL

USE OF THE PERSON DETAINED. IN SEVERAL SUCH SITUATIONS, THE CONSULATE HAS BEEN SUCCESSFUL IN OBTAINING THE RELEASE OF THE AMERICANS DETAINED, USUALLY UPON PAYMENT OF A FINE, AND THE AGREEMENT OF THE LOCAL POLICE FOR THE AMERICANS TO LEAVE TOWN IMMEDIATELY ON THEIR OWN RATHER THAN BEING DEPORTED. WHENEVER AMERICANS HAVE BEEN DETAINED BY THE FEDERAL JUDICIAL POLICE, HOWEVER, UTTER LACK OF NOTIFICATION HAS RESULTED, IN SPITE OF VERBAL REQUESTS AND PROTESTS. IT IS PREDICTED THAT THE OFFICE OF THE FEDERAL DISTRICT ATTORNEY IN MAZATLAN AND OTHER CITIES THROUGHOUT OUR CONSULAR DISTRICT WILL CONTINUE TO WITHHOLD THIS INFORMATION AS LONG AS THEY ARE BACKED UP IN THIS ATTITUDE BY THE OFFICE OF THE ATTORNEY GENERAL. UNDER SUCH CONDITIONS, ARRANGING FOR AND ISSUING WRITTEN COMPLAINTS JOINTLY WITH THE EMBASSY WAS A TIME-CONSUMING AND UNPRODUCTIVE EXERCISE IN FORM, TO WHICH WE HAVE NOT BEEN ABLE TO ADHERE. THE CONSULATE, HOWEVER, WILL CONTINUE TO LODGE STRONG PROTESTS WHEN IT BECOMES EVIDENT THAT AN AMERICAN HAS REQUESTED ACCESS TO THIS OFFICE AND HAS BEEN DENIED IT.

(1).(D). (1). MISTREATMENT: COMPLAINTS OF MISTREATMENT ARE VIRTUALLY CONFINED TO MISTREATMENT RECEIVED IMMEDIATELY UPON DETENTION OR UPON INTERROGATION, WITH VERY FEW COMPLAINTS OF MISTREATMENT, AS OPPOSED TO SUB-STANDARD LIVING CONDITIONS, RECEIVED IN PRISONS. ALL COMPLAINTS NOTED. AS THE OVERWHELMING PERCENTAGE OF AMERICANS ARRESTED IN THIS DISTRICT HAVE BEEN INVOLVED WITH MARIJUANA RATHER THAN HARD DRUGS, AND AS SENTENCES HAVE BEEN FAIRLY LENIENT, ALMOST ALL PRISONERS HAVE ELECTED NOT TO MAKE A FORMAL COMPLAINT. THE CONSULATE PLACES GREAT IMPORTANCE UPON MAINTAINING A GOOD RELATIONSHIP WITH THE FEDERAL DISTRICT JUDGE, WHO IS WIDELY KNOWN TO BE SCRUPULOUSLY HONEST, AND WE FEEL THAT ON SEVERAL CASES WE HAVE BEEN ABLE TO SUCCESSFULLY INTERVENE ON A PRISONER'S BEHALF FOR HUMANITARIAN REASONS SUCH AS ADVANCED AGE OR STATE OF HEALTH. IT IS FELT THAT FOR SIMILAR REASONS SENTENCES IN THIS DISTRICT MAY HAVE BEEN SOMEWHAT LIGHTER THAN IN OTHER PARTS OF MEXICO, WITH PRISONERS PERCEIVING PROPORTIONATELY LESS BENEFIT IN COMPLAINING, ONCE OUT OF THE FEDERAL DISTRICT ATTORNEY'S HANDS. PRISONERS' STATEMENTS OF MALTREATMENT, WHETHER OR NOT A FORMAL COMPLAINT IS REQUESTED, ARE NOW BEING MADE A PART OF STANDARD ARREST REPORTS TO DEPARTMENT AND EMBASSY. VERACITY OF COMPLAINTS MADE IS EXTREMELY DIFFICULT UNCLASSIFIED

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TO SUBSTANTIATE, BUT FORMAL COMPLAINTS HAVE BEEN MADE LOCALLY AND THROUGH THE EMBASSY WHEN SUBSTANTIATION HAS BEEN POSSIBLE.

(1).(D).(2). OTHER DENIAL OF HUMAN RIGHTS: THE OFFICE OF THE FEDERAL DISTRICT ATTORNEY IS CHRONIC IN ITS FAILURE TO TURN ITS EVIDENCE OVER TO THE JUDGE WITHIN THE TIME PRESCRIBED BY MEXICAN LAW, FOR THE JUDGE'S DETERMINATION ON WHETHER A TRIAL IS WARRANTED. WHEN THE CONSULATE BECOMES AWARE THAT A

DETAINED AMERICAN'S RIGHTS UNDER MEXICAN LAW ARE BEING VIOLATED IN THIS MANNER, VERBAL PROTEST IS MADE. IF THIS FAILS TO BRING ABOUT RELIEF, THE EMBASSY IS ASKED TO MAKE PROPER REPRESENTATION IN SUPPORT OF THE CONSULATE'S COMPLAINT.

(1).(E). THE CONSULATE HAS NOT MAINTAINED A CHRONOLOGICAL MASTER FILE OF INCIDENTS APART FROM PRISONNERS' INDIVIDUAL FILES, AS CONSULATE ACTION IS SELDOM REQUESTED AND PERSONNEL SHORTAGES PROHIBIT THE TYPE OF STATISTICAL BOOKKEEPING THAT WE WOULD LIKE TO SEE DONE.

(2). THE CONSULATE MAINTAINS UP-TO-DATE LISTS OF LAWYERS FOR ALL MAJOR CITIES IN THE CONSULAR DISTRICT, AND CAUTIONS PRISONERS AS APPROPRIATE IF THEY APPEAR TO BE CONTEMPLATING RETENTION OF A LAWYER WHOM PAST EXPERIENCE AND COMPLAINTS BY AMERICANS HAVE SHOWN TO BE QUESTIONABLE. UNFORTUNATELY, THESE ARE ALSO SOME OF THE VERY LAWYERS WHO HAVE REPUTATIONS FOR GETTING A MAN OUT BY HOOK OR BY CROOK, AND IF THE PRISONER DECIDES TO RISK HIRING SUCH A MAN, DESPITE ALL WARNINGS, LITTLE CAN BE DONE. DISPUTES BETWEEN LAWYER AND CLIENT ARE HANDLED BY THE MEXICAN TOURIST BUREAU LIKE ANY OTHER COMMERCIAL COMPLAINT.

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